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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,780	09/935,780 08/24/2001 Rong C. Fang		069116.0180	9034
50627 BAKER BOTT	7590 06/23/200 <b>S</b> L.L.P.	EXAMINER		
2001 ROSS AV	ENUE	MEW, KEVIN D		
6TH FLOOR DALLAS, TX 7	75201	ART UNIT	PAPER NUMBER	
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			06/23/2008	ELECTRONIC

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail3@bakerbotts.com PTOmail4@bakerbotts.com

Office Astion Communication		Application	on No.	Applicant(s)				
		09/935,78	30	FANG ET AL.				
Office Action Summary			•	Art Unit				
		Kevin Me	v	2616				
Period fo	The MAILING DATE of this communication or Reply	n appears on the	e cover sheet with the d	correspondence a	ddress			
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REHEVER IS LONGER, FROM THE MAILIN asions of time may be available under the provisions of 37 CI SIX (6) MONTHS from the mailing date of this communication of period for reply is specified above, the maximum statutory preto reply within the set or extended period for reply will, by seeply received by the Office later than three months after the end patent term adjustment. See 37 CFR 1.704(b).	IG DATE OF THE FR 1.136(a). In no evon. period will apply and w statute, cause the app	HIS COMMUNICATION ent, however, may a reply be tinular to the source of	N. nely filed the mailing date of this of D (35 U.S.C. § 133).	·			
Status								
1)⊠	Responsive to communication(s) filed on	14 March 2008						
•	This action is <b>FINAL</b> . 2b)  This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
٠,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠	Claim(s) 1-20 is/are pending in the applica	ation.						
•	4a) Of the above claim(s) is/are withdrawn from consideration.							
	☐ Claim(s) 1,2,9,13 and 17 is/are allowed.							
	6)⊠ Claim(s) <u>3-8, 10-12, 14-16, 18-20</u> is/are rejected.							
· ·	Claim(s) is/are objected to.	-,						
	Claim(s) are subject to restriction a	ınd/or election r	equirement.					
Applicati	on Papers							
	The specification is objected to by the Exa	miner						
•			Objected to by the	Examiner.				
. • / 🗀	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority ι	ınder 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).								
Attachmen  1) Notic  2) Notic  3) Infori	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date		fied copies not receive  4)  Interview Summary Paper No(s)/Mail Da  5)  Notice of Informal F  6)  Other:	(PTO-413) ate				
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#### Final Action

## Response to Amendment

1. Applicant's Arguments/Remarks filed on 3/14/2008 with respect to claims 1-20 have been considered. Claims 1-20 are currently pending.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As to claims 3-4, 10, 14, 18, "means for encapsulating," "means for setting," "means for transporting," "means for extracting" are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, "means for generating" is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. There is no disclosure whatsoever in the specification and/or drawings with respect to "means for encapsulating," "means for setting," "means for transporting," and "means for generating."

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 5-6, 11, 15, 19, "a computer-readable medium" is claimed and therefore lacks patentable utility because it does not provide a practical application that transforms or reduces an article or physical object to a different state. Although the specification of the instant application states that the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of "a computer-readable medium" such as a hard disk, optical disk, CD ROM, and so on in the drawings submitted by applicant, let alone any disclosure of computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Accordingly, the "computer-readable medium" as claimed in each of claims 5-6, 11, 15, 19 is determined to be non-statutory.

#### Response to Arguments

4. Applicant's arguments filed on 3/14/2008 with respect to claims 3-8, 10-20 have been fully considered but they are not persuasive.

Applicant argued on page 1, paragraph 2 of the Remarks in response to claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 being rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, examiner respectfully disagrees with applicant's arguments. As to claims 3-4, 10, 14, 18, "means for encapsulating," "means for setting," "means for

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transporting," "means for extracting" are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, "means for generating" is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of any kind in the specification and/or drawings about the "means for encapsulating," "means for setting," "means for transporting," and "means for generating," as allegedly argued by applicant.

With respect to claims 5-6, 11, 15, 19, applicant argued on page 1, paragraph 3 of the Remarks that the amended "computer-readable medium" contains statutory subject matter, examiner respectfully disagrees. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of "a computer-readable medium" of any kind such as a hard disk, CD and so on in the drawings as submitted by applicant, let alone a computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Therefore, the "computer-readable medium" as claimed in each of claims 5-6, 11, 15, 19 does not provide a practical application that transforms or reduces an article or physical object to a different state and is determined to be non-statutory.

In light of the foregoing reasons, claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement., and

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Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

# Allowable Subject Matter

5. Claims 1-2, 9, 13, 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: In claim 1, a method for transporting data, comprising:

the Final Payload Count Valid field, the Final Payload Count Valid field indicating whether or not the payload section includes a Final Payload Count field, the Final Payload Count field indicating an amount of data placed in the payload section.

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#### Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The

examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Mew /K. M./ Examiner, Art Unit 2616 /Chi H Pham/ Supervisory Patent Examiner, Art Unit 2616 6/19/08